

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re. ROBERT BEARD,  
Petitioner.


No. C 13-2808 SI (pr)

**ORDER DENYING MOTION TO  
VACATE DISMISSAL**

Petitioner filed this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 to challenge his 2006 conviction from the Los Angeles County Superior Court as well as the prison conditions at several prisons. The court dismissed the petition, explaining that the challenge to the conviction had to be pursued in the U.S. District Court for the Central District of California and that the challenge to prison conditions had to be pursued in a civil rights complaint under 42 U.S.C. § 1983. Petitioner has filed a motion to vacate the dismissal, arguing that he wants to amend his pleading to prove exhaustion of administrative remedies and state with clarity the type of relief he seeks. The motion to vacate is DENIED. Docket # 7. As the court explained, any habeas petition challenging his conviction must be filed in the Central District of California and a challenge to his conditions of confinement must be brought in a civil rights complaint. There is no need to amend to demonstrate exhaustion of administrative remedies because non-exhaustion was not the reason for dismissal of this action. Petitioner's request for a copy of his petition is granted; a copy of his petition has been mailed to him.

IT IS SO ORDERED.

DATED: October 7, 2013

  
SUSAN ILLSTON  
United States District Judge